

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RENÉ MUÑOZ,

Petitioner,

v.

UNKNOWN,

Respondent.

No. 2:21-cv-01171 KJM JDP P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an extension of time to file a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 21, 2021, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 5. Petitioner has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court").

1 Having reviewed the file, the court finds the findings and recommendations to be supported by
2 the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed October 21, 2021, are adopted in full;
5 2. This action is dismissed without prejudice to the filing of a habeas corpus petition; and
6 3. The clerk of court is directed to close this case.

7 Dated: January 11, 2022.

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9 CHIEF UNITED STATES DISTRICT JUDGE
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